

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	Chapter 11
DPH HOLDINGS CORP, et al,	:	
	:	Case No. 05-44481 (RDD)
Reorganized Debtors.	:	(Jointly Administered)
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DELPHI AUTOMOTIVE SYSTEMS, LLC,	:	
	:	
Plaintiff,	:	Adv. Proc. No. 07-02688 (RDD)
	:	
v.	:	
	:	
THE TIMKEN COMPANY and THE	:	
TIMKEN CORPORATION,	:	
	:	
Defendants.	:	
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DECLARATION OF JAMES SULLIVAN

James Sullivan, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner at Moses & Singer LLP. I represent The Timken Company and The Timken Corporation (collectively, "Timken") in connection with the above referenced adversary proceeding. Except for a short period of time from January 5, 2009 (when I moved from McDermott Will & Emery LLP to Arent Fox LLP) to July 6, 2009 (when I notified Debtors' counsel that I switched law firms and that any future notices be sent to me at Arent Fox), I have represented Timken in the above referenced chapter 11 case since November 2, 2005.

2. I submit this declaration in support of the Opposition of The Timken Company and The Timken Corporation (collectively "Timken") to the Reorganized Debtors' (the "Reorganized Debtors") Amended Omnibus Response to Certain Defendants' Submissions

Regarding the October 2, 2009 Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion (the “Debtor’s Amended Omnibus Response”).

3. Except as indicated herein, I have personal knowledge of the facts set forth in this Declaration and, if called to testify, I could and would testify competently concerning those facts.

4. Exhibit 25 of the Debtors’ Amended Omnibus Response states that the Final Extension Motion was electronically served on me at McDermott Will & Emery LLP. Exhibit 25 acknowledges that I was no longer with McDermott Will & Emery LLP at the time (I was at Arent Fox LLP) but argues that such service should be deemed valid because the Debtors have not identified any filing by me whereby I requested that all pleadings be directed to my Arent Fox email address. As I stated in paragraph 11 of my July 12, 2011 declaration (Docket No. 21480), on July 6, 2009, I advised the Debtors’ counsel that I had switched law firms and that all future pleadings should be sent to me at my new firm (Arent Fox). Further, Debtors’ counsel acknowledged that it would send me future pleadings at my new firm. Attached hereto as Exhibit A is a true copy of an email exchange between me and Debtors’ counsel evidencing my request for notice and Debtors’ counsel’s acknowledgment of same.

5. Further, as I stated in paragraph 11 of my July 12, 2011 declaration, the Affidavit of Service of the Final Extension Motion (Docket No. 18967) reflects that the Debtors did serve me by overnight mail with other pleadings at my Arent Fox address. Given such other service and the numerous pleadings I had previously filed using my Arent Fox contact information, it is unclear to me why the Debtors did not also attempt to serve me with the Final Extension Motion at my Arent Fox address.

6. Attached hereto as Exhibit B is a true copy of a notice of appearance that I filed when I was with McDermott Will & Emery LLP on November 2, 2005 (Docket No. 0844).

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 18th day of October, 2011 at New York, New York

/s/ James Sullivan
James Sullivan